

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL NO. 4:11-cv-00077-F

METROPOLITAN LIFE INSURANCE
COMPANY

Plaintiff

v.

BARNEY DUNLAP, SIERRA FOX, and
RUDY FOX

Defendants

ORDER

Having considered plaintiff in interpleader Metropolitan Life Insurance Company (“MetLife”) and defendants in interpleader Sierra Fox and Rudy Fox’s Joint Motion for Discharge from Further Liability, Permanent Injunction, Dismissal with Prejudice, and Disbursement of Interpleader Funds—for good cause shown—IT IS HEREBY ORDERED THAT:

1. MetLife, as a disinterested stakeholder, has fulfilled its obligations concerning the life insurance benefits, plus applicable interest at issue in this case by depositing the sum of \$418,756.91 into the Court’s registry;

2. Sierra Fox and Rudy Fox are permanently enjoined and restrained from instituting or prosecuting any action or proceeding against MetLife, Corning Incorporated, and/or the Corning Incorporated Survivor Benefit Plans in any state or United States court for the life insurance benefits, plus applicable interest at issue in this case;

3. MetLife, Corning Incorporated, and the Corning Incorporated Survivor Benefit Plans are discharged from any and all further liability related to the life insurance benefits, plus applicable interest at issue in this case; THE CLERK OF COURT IS DIRECTED to disburse the interpleader fund as follows:

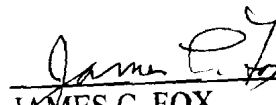
4. MetLife shall recover \$6,708.59 from the interpleader fund, representing a compromise on its prayer for reasonable attorneys' fees and costs, by check made payable to "Metropolitan Life Insurance Company." The check shall be mailed to MetLife's counsel, T. Matthew Creech, Smith Moore Leatherwood LLP, 300 North Greene Street, Suite 1400, Greensboro, North Carolina 27401.

5. Sierra Fox and Rudy Fox shall recover the remaining \$412,048.32 from the interpleader fund by check made payable to "Benson, Brown & Faucher, PLLC as attorneys for Sierra Fox and Rudy Fox." The check shall be mailed to Sierra Fox and Rudy Fox's counsel, James Faucher, Benson, Brown & Faucher, PLLC, 822 N. Elm Street, Suite 200, Greensboro, NC 27401;

6. This case is dismissed with prejudice.

SO ORDERED.

This 20th day of September, 2011


JAMES C. FOX
United States District Judge